

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

[Case name]

Chapter [Chapter No.]

Case no. [Case no.]

Debtor.

_____ /

ORDER GRANTING DEBTOR'S MOTION TO USE CASH COLLATERAL

This case came on for hearing on [Hearing date] , to consider the motion by debtor-in-possession (the "Debtor") to use cash collateral (Doc. No.). For the reasons stated in Court, it is

ORDERED:

1. The motion is granted.
2. Cash Collateral Authorization. Subject to the provisions of this order, the Debtor is authorized to use cash collateral to pay: (a) amounts expressly authorized by this Court, including payments to the US Trustee for quarterly fees; (b) the current and Necessary expenses set forth in the budget attached as Exhibit A, plus an amount not to exceed ten (10) percent for each line item; and (c) such additional amounts as may be expressly approved in writing by [Name of secured creditor] (the "Secured Creditor"). This authorization will continue until further order of the Court. Except as authorized in this order, the Debtor is prohibited from use of cash collateral. However, expenditures in excess of the line items in the budget or not on the budget will not be deemed to be unauthorized use of cash collateral, unless the recipient cannot establish that the expense would be entitled to administrative expense priority if the recipient had extended credit for the expenditure. Expenditures in excess of the line items in the budget

or not on the budget may, nonetheless, give rise to remedies in favor of the Secured Creditor.

3. Debtor Obligations. Debtor shall timely perform all obligations of a debtor-in-possession required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the orders of this Court. [Other obligations constituting adequate protection.]

4. Access to Records and Premises. Upon reasonable notice, and provided that it does not unreasonably interfere with the business of Debtor, Debtor shall grant to the Secured Creditor access to Debtor's business records and premises for inspection.

5. Replacement Lien. Each creditor with a security interest in cash collateral shall have a perfected post-petition lien against cash collateral to the same extent and with the same validity and priority as the prepetition lien, without the need to file or execute any document as may otherwise be required under applicable non bankruptcy law.

6. Insurance. Debtor shall maintain insurance coverage for its property in accordance with the obligations under the loan and security documents with the Secured Creditor.

7. Without Prejudice. This order is without prejudice to: (a) any subsequent request by a party in interest for modified adequate protection or restrictions on use of cash collateral; (b) any other right or remedy which may be available to the Secured Creditor.

8. Creditors Committee. The provisions of this Order are without prejudice to the rights of the US Trustee to appoint a committee or any rights of a duly appointed committee to challenge the validity, priority or extent of any lien(s) asserted against cash collateral.

9. Enforcement. The Court shall retain jurisdiction to enforce the terms of this Order.

10. Continued Hearing. [Placeholder for preliminary hearing or trial.]

DONE and ORDERED on _____ .

Catherine Peek McEwen
United States Bankruptcy Judge

Copies provided to:

Local Rule 1007-2 Parties in Interest List as listed on the attached mailing matrix

Attorney [Name of submitting attorney] is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.

